

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

In re application of: **Klaus OBENDIEK**  
Serial No.: 10/511,054  
Filed: October 12, 2004 as national phase of International Application  
No. PCT/DE03/01214, filed April 11, 2003  
For: **FOLDING TOP FOR A CABRIOLET VEHICLE**

Sir:

Transmitted herewith is a **Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (1 page)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- ☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:
- ☒ Also transmitted herewith are:
  - ☐ Petition for extension under 37 C.F.R. 1.136
  - ☒ Other: **Copy of an executed Declaration and Power of Attorney form signed by the inventor (1 page);  
Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States  
Designated/Elected Office (DO/EO/US) (2 pages)**
- ☒ Check(s) in the amount of **\$130.00** is/are attached to cover:
  - ☐ Filing fee for additional claims under 37 C.F.R. 1.16
  - ☐ Petition fee for extension under 37 C.F.R. 1.136
  - ☒ Other: **Surcharge for late submission of declaration under 37 C.F.R. §1.492(h)**
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
  - ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
  - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
  - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.



William C. Gehris, Reg. No. 38,156

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 2, 2006.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Randall Berman

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**Re: Application of: **Klaus OBENDIEK**

Serial No.: 10/511,054

Filed: October 12, 2004 as national phase of International Application  
No. PCT/DE03/01214, filed April 11, 2003For: **FOLDING TOP FOR A CABRIOLET VEHICLE**Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 2, 2006

**RESPONSE TO NOTIFIATION OF MISSING REQUIREMENTS**

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated January 9, 2006, a copy of which is enclosed, please find a copy of an executed Declaration and Power of Attorney form signed by the inventor, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

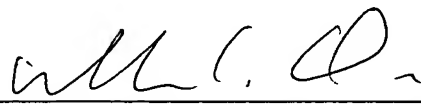
02/07/2006 MKAYPAGH 00000159 10511054

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Respectfully submitted,

DAVIDSON, DAVIDSON &amp; KAPPEL, LLC

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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 2, 2006.

DAVIDSON, DAVIDSON &amp; KAPPEL, LLC

BY:   
Randall Berman



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/511,054                  | Klaus Obendiek        | 487.1095         |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/DE03/01214

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 04/11/2003       | 04/12/2002    |

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DAVIDSON, DAVIDSON & KAPPEL, LLC  
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 NEW YORK, NY 10018

**RECEIVED**  
 JAN 12 2006

CONFIRMATION NO. 2266

371 FORMALITIES LETTER



\*OC000000017806327\*

DAVIDSON, DAVIDSON &amp; KAPPEL

Date Mailed: 01/09/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/12/2004
- English Translation of the IA filed on 10/12/2004
- Copy of the International Search Report filed on 10/12/2004
- Copy of IPE Report filed on 10/12/2004
- Preliminary Amendments filed on 10/12/2004
- Information Disclosure Statements filed on 10/12/2004
- Oath or Declaration filed on 10/12/2004
- Request for Immediate Examination filed on 10/12/2004
- U.S. Basic National Fees filed on 10/12/2004
- Priority Documents filed on 10/12/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/511,054                  | PCT/DE03/01214                | 487.1095         |